

1 Luke Busby, Esq.
2 Nevada Bar No. 10319
3 316 California Ave., #82
4 Reno, Nevada 89509
5 Telephone: (775) 453-0112
6 Facsimile: (775) 403-2192
7 luke@lukeandrewbusbyltd.com
8 Attorney for the Plaintiff

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL ERWINE,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No.: 3:24-cv-00045-MMD-CSD

**STIPULATION AND ORDER
TO EXTEND TIME FOR
DISCOVERY PLAN AND SCHEDULING
ORDER
[THIRD REQUEST]**

COMES NOW, Plaintiff, MICHAEL ERWINE, and Defendants UNITED STATES OF AMERICA, ZACHARY WESTBROOK, JOHN LEONARD, MICHEL HALL, BENJAMIN TROTTER, and CHURCHILL COUNTY by and through the undersigned counsel, and hereby files the following Stipulation to Extend the Time for Filing of Discovery Plan and Scheduling Order from July 18, 2024, to August 30, 2024. This is the third request for an extension of time to file a proposed discovery plan and scheduling order.

On April 19, 2024, the Court entered an Order granting a second extension for the time to file a discovery plan and scheduling order to 45 days after the first responsive pleading to Erwine's then proposed Amended Complaint. See ECF No. 46. Erwine's

1 First Amended Complaint was filed on May 20, 2024 (ECF No. 59), responsive pleadings
2 thereto were filed on June 3, 2024, and 45 days thereafter is July 18, 2024. The parties
3 conferred about a mutually agreeable time to hold the Early Case Conference, and no
4 dates are available for all parties until August of 2024. There are currently two pending
5 Motions to Dismiss at ECF Nos. 62 and 66. Further, one party, GENE BURKE, has yet to
6 file a responsive pleading.
7

8 Based on the forgoing, good cause exists to extend the time to hold the initial case
9 conference and file a discovery plan and scheduling order. Accordingly, the parties above
10 named stipulate and request the due date for a discovery plan and scheduling order be
11 extended from July 18, 2024, to August 30, 2024. Nothing herein is a waiver of rights,
12 arguments, or defenses that defendants currently have pending or may assert in future
13 briefs.
14

15 DATED: June 10, 2024

Dated: June 10, 2024

16 BY: /s/ Melanie Bernstein Chapman

17 Paul A. Cardinale
Nevada State Bar Number 8394
18 Melanie Bernstein Chapman
Nevada State Bar Number 6223
19 CARDINALE FAYARD, APLC

20 2460 Professional Court, Suite 110
Las Vegas, NV 89128

21 Tel: (702) 342-8116
22 Paul.Cardinale@cardinalefayardlaw.com
Melanie.Champan@cardinalefayardlaw.com

BY: /s/ Luke Busby

23 Luke Busby, Esq.
Nevada Bar No. 10319
316 California Ave., #82
Reno, Nevada 89509
Telephone: (775) 453-0112
Facsimile: (775) 403-2192
luke@lukeandrewbusbyltd.com

24 DATED: June 10, 2024

DATED: June 10, 2024

25 BY: /s/ Patrick A Rose

26 Patrick A Rose
U.S. Attorney's Office
501 Las Vegas Blvd. South, Suite 1100
27 Las Vegas, NV 89101
702-388-6336
28 Email: Patrick.Rose@usdoj.gov

BY: /s/ Katherine F. Parks

23 Katherine F. Parks
Thorndal Armstrong, PC
6590 S. McCarran Blvd.
Suite B
Reno, NV 89509
775-786-2882
Email: kfp@thorndal.com

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4 **IT IS SO ORDERED:**

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8 **UNITED STATES MAGISTRATE JUDGE**

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10 **DATED:** June 11, 2024

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